

Serial No. 09/695,898

6

REMARKS

This communication is intended as a full and complete response to the Final Office Action mailed November 18, 2004, and to the Interview Summary mailed on December 21, 2004. In the Office Action, the Examiner notes that Claims 1-15 and 17-20 are pending, of which Claims 1-15 and 17-20 are rejected. By this response, Applicants have amended Claims 1-4, 10, 12, 14 and 17-20.

The amendments to the claims are fully supported by the Specification, drawings and claims as originally filed. For example, the amendments to the claims are supported at least by lines 19-25 of page 3, lines 20-24 of page 5 and lines 23-30 of page 9 of the Specification. Thus, no new matter has been introduced, and the Examiner is respectfully requested to enter the amendments.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Statement on Interview Summary

Regarding the Interview Summary mailed on December 21, 2004, the Applicant wishes to clarify that the substance of the interview conducted on December 15, 2004 did not include discussion concerning the patentability of pending claims. Instead, the substance of the interview included discussion on the question of what set of claims was currently pending. Due to a clerical error, the set of claims submitted in the response filed by the Applicant on August 31, 2004 (which did not include amendments) did not correspond to the set of claims pending at that point in time, namely the set of claims filed in the amendment submitted with the RCE on May 11, 2004. Instead, the set of claims filed on August 31, 2004 corresponded to the set of claims filed in a response on April 12, 2004, which was not entered by the Examiner. Agreement was reached during the interview that the Examiner's rejections in the current Office Action mailed on November 18, 2004 are not affected by this clerical error. Furthermore, for the purposes of this response to the current Office Action, the set of claims to be used

320956-1

Serial No. 09/695,898

BEST AVAILABLE COPY

as a basis for amendments will be the set of claims submitted with the RCE on May 11, 2004.

35 U.S.C. §102(e) Rejection of Claims 1-8, 10, 12-15 and 17-20

The Examiner has rejected Claims 1-8, 10, 12-15 and 17-20 under 35 U.S.C. §102(e) as being anticipated by Yang et al (U.S. Patent No. 6,005,620, hereinafter "Yang"). The rejection is respectfully traversed.

Yang does not anticipate Claim 1 because Yang does not teach or suggest the method of Claim 1 as follows:

- "1. A method, comprising:
receiving a first compressed video stream;
determining a first encoding profile for the first compressed video stream;
encoding a second video stream in accordance with a particular encoding scheme to generate a second compressed video stream having a second encoding profile which approximately matches the first encoding profile; and
splicing the second compressed video stream into the first compressed video stream to produce a spliced stream."

Yang fails to disclose each and every element of the claimed invention as arranged in Claim 1. Specifically, Yang fails to disclose "encoding a second video stream in accordance with a particular encoding scheme to generate a second compressed video stream having a second encoding profile which approximately matches the first encoding profile" as recited in the claim.

Generally speaking, Yang discloses a method which is directed to multiplexing video streams in a manner that manages bandwidth, while the claimed invention is directed to splicing video streams in a manner that manages visible video artifacts in the spliced stream. Specifically, Yang discloses a method by which a non-compressed live video signal is compressed at a compression rate that depends on a complexity determination of a pre-compressed video signal. Yang applies the compression rate to the non-compressed live video signal to give the signal a bandwidth according to available system bandwidth, which is based on the total available bandwidth of the system minus the bandwidth of the pre-compressed video signal, as represented by the

Serial No. 09/695,898

8

complexity determination. Thus, the compression rate applied to the non-compressed live video signal in Yang is controlled to allocate available bandwidth, and not to match encoding profiles as in Claim 1. This is further evidenced by the fact that, as discussed in previous responses by the Applicant, Yang does not splice video streams, but instead only multiplexes video streams. There is no need for Yang to be concerned with visible video anomalies produced by mismatched encoding profiles because the multiplexed video streams are not shown as one continuous video to a viewer.

Therefore, Yang fails to disclose each and every element of the claimed invention, as arranged in Applicants' independent Claim 1. Thus, Claim 1 is not anticipated by Yang and is patentable under 35 U.S.C. §102. Furthermore, since Claim 14 includes relevant limitations similar to those discussed above in regards to Claim 1, Claim 14 is also not anticipated by Yang and is patentable under 35 U.S.C. §102. Moreover, Claims 2-8, 10, 12-13, 15, and 17-20 depend, either directly or indirectly, from independent Claims 1 and 14, and recite additional limitations thereof. As such and at least for the same reasons as discussed above, these dependent claims are also not anticipated by Yang and are patentable under 35 U.S.C. §102.

35 U.S.C. §103(a) Rejection of Claims 9 and 11

The Examiner has rejected Claims 9 and 11 as being obvious and unpatentable over Yang under the provisions of 35 U.S.C. §103(a). Applicants respectfully traverse the rejection.

Claims 9 and 11 depend from allowable base Claim 1 (either directly or indirectly). Consequently, Claims 9 and 11 are themselves allowable. As such, the Applicants submit that Claims 9 and 11 are not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, the Applicants respectfully request that the rejections of claims 9 and 11 under 35 U.S.C. §103(a) be withdrawn.

320956-1

Serial No. 09/695,898

9

CONCLUSION

Thus, the Applicant submits that all the claims presently in the application are in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

1/18/05

E J Wall

Eamon J. Wall, Attorney
Reg. No. 39,414
(732) 530-9404

Moser, Patterson & Sheridan, LLP
Attorneys at Law
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702

320956-1